

1895-063 Chancery Causes: William A. Parsons vs. J. C. Jesse &
Lee Co.

Russell

CA - Contract Dispute
T - Property

- Land survey

To the Hon. W. T. Miller, Judge of the Circuit Court for Lee County,

Humbly & complaining, your orator, William A. Parsons, a citizen of the said County of Lee, respectfully represents unto your honor, that heretofore, to-wit, on the 12th day of January, 1894, he was the owner of a large tract of land lying and being in Lee County, in the "Pocket" country, and containing about 412 acres; that on that day, one W. C. Parsons was the owner of two tracts in said County, one known as the F. R. Stickley tract and the other as the Wynn tract; that on the said day, your orator and the said W. C. Parsons exchanged lands, which exchange is evidenced by a contract in writing signed by both your orator and the said W. C. Parsons; that by the terms of the said contract and exchange, your orator's said 412 acres was valued at \$10.00 per acre and the Wynn tract at \$2500.00, and the Stickley tract was valued at \$10.00 per acre. At the time that the said contract was made and signed, it was not known how many acres there was in the Stickley tract, because a part of it had a few days previous been sold to one *Nash* Garrett by said W. C. Parsons. It will be seen from an inspection of the said contract, which is here filed and prayed to be made a part of this bill, that the said W. C. Parsons was to pay your orator a difference, and whatever it might be when the Stickley land was ascertained, one-third in thirty days from the date of the said contract, one-third in *12 months* from the date of the said contract and one-third, in *2 years* from the said date of said contract, with interest from the time that the said W. C. Parsons got possession of the said 412 acres.

Your orator will further show unto your honor that soon after the said exchange was made he took possession of the said Wynn tract and Stickley tract, last tract has been ascertained to contain *75* acres; that the said W. C. Parsons took and your orator gave him possession of the said 412 acres on the 1st day of January, 1895; that on several occasions, during the year 1894, the said W. C. Parsons paid your orator the sum of *\$385.00*; that there is now due, or rather unpaid to your orator on the difference on said lands the sum of \$315.00, which will become due on Jan. 12th., 1896.

Your orator will also show unto your orator that on the *17th* day of February, 1895, the said W. C. Parsons departed this life intestate, without having made to your orator a deed to the said two tracts of land, and without your orator having made to him a deed to the said 412 acres of land; that he left surviving him as his heirs at-law, five children, to-wit, Ellen Jesse, wife of J. C. Jesse, Eva Russell, wife of B. J. Russell, George W. Parsons, Rebecca Par-

sons, and Wheeler P. Parsons, and a widow F. B. Parsons; but your orator denies that the said F. B. Parsons widow of the said M. C. Parsons would have any dower rights in either of the said Wynn or Stickley tracts, because, of the exchange of made as aforesaid, she can only claim dower in one or other of the lands, the 412 acres or the Wynn and Stickley tracts, and that by election, and your orator is informed and alleges that she has elected to claim her dower in the 412 acres; she has brought a suit against the said children and heirs to have dower assigned to her out of the estate of her husband and therein specially asserts her claim to dower in the said 412 acres.

Your orator will further represent unto your honor that he has made and here files with this his bill a deed to said 412 acres of land as an escrow deed to be delivered in the event that he gets title to the said Wynn and Stickley tracts, and that said \$315.00 is paid him; that the grantees in the said deed are the said Ellen Jesse, Eva Russell, George W. Parsons, Rebecca Parsons and Wheeler P. Parsons; and that after the death of the said M. C. Parsons the said J. C. Jesse and H. J. Russell were granted letters of administration on the estate of the said M. C. Parsons, who have taken possession of all the personal effects of the said M. C. Parsons and are proceeding to administer the same.

The premises considered, your orator is advised, that in a court of equity, he has a right to have title extracted from the said children and heirs at-law of the said M. C. Parsons of the said Wynn and Stickley tracts of land; that he has a right to have paid him on the balance of the purchase money the said \$315.00 with interest thereon from the 12th day of January, 1895, out of the personal es//tate of said decedent, if there be sufficient, and if not a sufficiency, then to have the same paid to him by a sale of enough of the said 412 acres of land to pay the same; and to have all necessary and proper accounts taken by the Court's commissioner, marshaling the assets and liabilities of said Decedent, and that is the object of this bill.

The prayer therefore of your orator is that Ellen Jesse, Eva Russell, George W. Parsons, Rebecca Parsons, Wheeler P. Parsons, F. B. Parsons, and H. J. Russell *in their own right* ~~and~~ *H. J. Russell* *J. C. Jesse* and J. C. Jesse administrators of the estate of the said M. C. Parsons be made parties defendants to this bill of complaint; that they be required to answer the same, but they need to do so on oath, that being waived; that a guardian ad litem be appointed for the said infant defendants, George W. Parsons, Rebecca Parsons and Wheeler P. Parsons to defend their interests hereon

herein; that the said F. E. Parsons be estopped to set up or claim any dower rights in or to the said Wynn and Stickley tracts of land; that a decree be pronounced herein directing the adults defendants to convey their respective interests in and to the said Wynn and Staickley tracts; that a commissioner be appointed \equiv for the said infants to convey their respective interests in and to the same land; that a judgement be given your orator for the said \$315. with interest thereon from the first day of January, 1895, till paid, against the said administrators of said estate; and that all proper and necessary accounts be taken herein that may be necessary to enforce the collection of the said sum of money; and if necessary, that a decree of sale be awarded your orator of enough of the said 412 acres of land to pay off the said sum of money due as aforesaid to your orator from the said estate. And that all other, further and general relief be granted your orator deemed consistent with the rules of equity and good conscience. May Process issue etc. And your orator will ever pray etc.

Pennington Bros.

P.O.

Know all men by these presents
that this Contract made and enter-
ed into this the 12th day of January,
1894 by and between M. C. Parsons
party of the first part and Wm A.
Parsons party of the second part:
and both of Lin County, Va

Witnesseth that the said Wm A.
Parsons has this day sold and
agrees to convey ^{to said M. C. Parsons} with Covenants &
General Warranty his land lying
and being in Lin County, in the
Rocky Country with an option
of pulling in Alex Allens land
situated in the same County,
at the price of \$1000 (\$1000) dol-
lars per acre and supposed to be
in all 4 1/2 acres; for a more par-
ticular description of this reference is
here made to the title papers of
said Wm A. Parsons and said Allen;
which land is to be paid for as
follows; to wit by said M. C. Par-
sons: First said M. C. Parsons
has sold and agrees to convey or
cause to be conveyed to said Wm A.
Parsons the land and interest
in land which said M. C. Parsons
bought at a Court sale in the
Chancery Cause of Beaumgardner &
Russell Administrators vs. R. L. Hyatt et al
and inclusive of the land on which

the widow Hyman has her dower,
is supposed to be $168\frac{1}{2}$ acres at the
price of \$2500; second to convey
or cause to be conveyed the tract
of ~~the~~ land known as the F.R.
Stickley land in the bush country
at the price of \$10⁰⁰ per acre, or
as much thereof as said M. C. Par-
sons now owns or may be able in
a reasonable time to procure from
S. W. Garrett, and the residue of
the purchase price of said $41\frac{1}{2}$ acres
going to said ^{Wm} A. Parsons, after taking
out of the price thereof said \$2500⁰⁰
for said Hyman land and whatever
sum said Stickley land may amount to,
said M. C. Parsons promises to
pay said ^{Wm} A. Parsons one-third
within 90 days from this date, one-
third in twelve months and the
other third in two years from this
date. Said M. C. Parsons is not to
pay any interest on any sum of money
he may have to pay to said ^{Wm} A. Parsons
until after he gets possession of
said $41\frac{1}{2}$ acres of land or such part
thereof as said M. C. Parsons may
get. Witness our hands & seals
the day & year first above written.

M. C. Parsons (seal)

M. C. Parsons (seal)

M. C. & J. M. A. Parsons

Contract

J. M. A. Parsons

vs { Bill in Chancery &
exhibits

J. C. Jones et al.

1895. 2nd May Rules bill
filed Spa Executed
& Decree nisi

" 1st June rules Decree
Nisi Confd + Cause
Set for hearing by
Plff.

To the Hon. Wm. T. Miller, Judge of the Circuit Court for Lee County:

The joint answer of G. W. Parsons, Rebecca Parsons and Wheeler P. Parsons byx infants under the age of 21 years by C. H. Jones Their guardian ad litem assigned to defend them in this suit to a bill of complaint exhibited against them and others in the Circuit Court for the County of Lee by W. A. Parsons.

The respondents reserving to themselves the benefit to all exceptions to the said bill for answer thereto or so much thereof as they are advised that it is material they should answer ny her said guardian ad litem answering says that they are infants of tender years and by reason of their infancy are incapable of understanding or of taking care of their rights and interests . They therefore by their said Guardian commen themselves and their rights and interests into the hands of the court, and pray that no decree may be pronounced which will tend to their prejudice.

And having fully answered pray to be hence dismissed with their reasonable costs in this behalf expended and they will ever pray &c.

George W. Parsons.

Rebecca Parsons.

Wheeler P. Parsons.

BY C. H. Jones.

their Guardian ad litem

J. C. Jessen, et al.

answ. of
ads Guardian ad litem

from a Person

William A. Parsons Complt.

Vs.

In Chancery.

J.C. Jessee et als. Defts.

This cause came on again to be heard upon the papers formerly read therein and the report of Comr. R.L. Pennington with his deed filed therein, which report ^{+ deed} was filed in said cause ^{day} this, and being unexcepted to, it is adjudged, ordered and decreed that the said report and deed be and the same are hereby confirmed, and the clerk of this court, on the payment by said W.A. Parsons the sum of \$5.00 to the said Pennington, will turn over and deliver up to him, the said William A. Parsons the said deed of R.L. Pennington Comr/etc. ~~to him~~. And the clerk ^{of} this court is further directed, to turn over, deliver up the escrow deed, which the said plaintiff filed in the said cause, to the heirs of the said M.C. Parsons, or either of them. And there being nothing further to be done in this cause, it is ordered to be stricken from the docket

Wm A. Parsons
vs & Decedent
J.C. Parsons et al

O.B.

Page 204

Entered this
June 6th 1895.
W. L. M.

William A.Parsons Compl't.

vs.

J.C.Jessee et als Defts.

This cause came on this day to be heard upon the bill of the complainant, exhibits filed therewith, the answer of ~~of~~ George W.Parsons, Rebecca Parsons and Wheeler P.Parsons , infants, by C.H.Jones, their guardian ad litem, and replication thereto, and was argued by counsel. And it appearing to the Court that process has been duly served upon the adult defendants for more than 15 days before the first day this term of the Court, and they ~~§~~ failing to appear, plead, answer, or demur to the said bill, on the motion of the said Complainant, his said bill as to them is taken for confessed: And on consideration of all which and for reasons appearing to the Court, it is adjudged, ordered and decreed, as follows, to-wit:

1st. That the defendant F.E.Parsons, widow of of the late M.C.Parsons, be and is hereby for ever precluded and estopped from setting, either in a court of law or equity, any rights of dower, in and to the lands in the bill and proceedings mentioned and known as the Wynn and Stickley tracts of land;

2nd. That the said William A.Parsons recover from H.J. Russell and J.C.Jessee administrators of the estate of M.C. Parsons the sum of \$315.00 with legal interest thereon from the 1st. day of January, 1895, till paid and the costs of this suit, but no execution shall issue thereon until after the 1st. day of January, 1896; and

3rd. That R.L.Pennington, who is hereby appointed a special for the purpose, with covenants of special warranty will as soon as practicable, convey the interest of the said defendants in and to the lands in the bill and proceedings mentioned, to the said William A.Parsons by proper meets and bounds,

and he will report his action to a future day of this term
of the Court, until which time this cause is continued.

W. A. Parsons, Complainant,

vs.: Decree

J. C. Jesse, et al Defendants.

Enter this June the 1898

Wm A. Parsons
vol 2 case no 1
J. C. Jones et al

C.B.
Page 201

Enter this
June 5 1895

W. F. M.

William A.Parsons Complt.

Vs/ J.C.Jessee et als. defts

J.C.Jessee et als defts.

To the Hon.W.T.Miller,Judge of the Circuit Court for
Lee County:

Your undersigned commissioner,who was on yesterday appointed a special commissioner to convey title to the said W.A.Parsons,in and to the lands in the bill and proceedings mentioned,begs leave to report,that he to day has made the deed required to be made by him,and here begs leave to file the same. Now having done what was required of him he begs to be relaved from further duty in this cause. All which is respectfully submitted,this the 6th.day of June,1895.

Robert L. Cunningham

Special Comr.

Wm A. Parsons
w/ Report of Fred
J. C. Jones

Special Comr.

is respectfully submitted, this the 6th day of June, 1880.

Wish to be relieved from further duty in this cause. All which
file the same. Now having duty which was redrafted of him he
the deed redrafted to be made by him, and have been leave to
have mentioned, being leave to report, that he to day has made
said W. A. Parsons, in and to the lands in the bill and proposed
and proposed a special commissioner to convey title to the

has County:

Your obedient servant, Commissioner, who was on June 1st.

To the Hon. W. T. Miller, Judge of the Circuit Court for

the County of New York.

Wm A. Parsons, Commissioner.

Wm A. Parsons, Commissioner.

Beginning at a large white oak
corner to J. A. S. Hyatts and J. P. Gahans
land, thence N. $48^{\circ}12'2''$ 157.2 poles
to a stake corner to the land
which M. C. Parsons sold to
Geo. H. Garrett, thence S. $84^{\circ}14'$
E. $77\frac{1}{4}$ poles to stake in original
line, thence S. $50^{\circ}14'15''$ 168.7
poles to a stake in the Richmond
land, corner to France Willis
land, thence N. $36^{\circ}12'15''$ 18 poles
to a stake among white oak
pointers, thence E. $23^{\circ}12'15''$ 85
poles to the Beginning. 75 acres

Beginning on a Rock on the upper side
of the road on M. Collier's line $N 79 \frac{1}{2}^{\circ} E 11$
poles to a Whitewash $N 67 \frac{1}{2}^{\circ} E 6$ poles to a Rock
Thence leaving the Road and Collier's line
 $N 14^{\circ} W 14$ poles to a Stake on a side hill $S 76^{\circ} W$
 17 poles to a Stake $S 14^{\circ} E 14$ poles to the Beginning
containing $1 \frac{1}{2}$ Aers this comes out of the
Dover, Chas. E. Elliott Sur.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*F. E. Parrus, Tellus Jessor, J.C.
Jessor, Eva Parrus, S. J. Parrus, George W. Parrus
Rebecca Parrus & Thelma P. Parrus, in their own right.
all & J.C. Jessor Administrators of the Estate of M. C. Parrus -*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *32^d* Monday in *May*, 189*5*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Jesse A. Parrus*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

16 day of *May*, 189*5*, and in the 11 *9* year of the

Commonwealth.

A B Munsey Clerk.

A Copy Teste A B Munsey Clerk

vs. { SUPCENA
IN CHANCERY.

p. q.

To Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon

*F. E. Parranus, Elum James J. C.
James, Eva Russell, N. J. Russell & George W. Parranus
& Rebecca Parranus Wheeler P. Parranus in their own right
& J. J. Russell & J. C. James Administrators of the Estate of M. C. Parranus*

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in

May

, 189*5*, to answer a bill in Chancery,

exhibited against

them

in our said court by

Wm. A. Parranus

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

16

day of

May

189*5*, and in the 11

9

year of the

Commonwealth.

A B Munsey

Clerk.

A Copy Teste A B Munsey Clerk

vs. { SUPCENA
IN CHANCERY.

p. q.

To _____ Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *F. E. Parram, Eliza Jesse J. C. Jesse*
Eva Russell, H. J. Russell, George H. Parram, Rebecca Parram
Walter O. Parram in their own right, & *H. J. Russell*
J. C. Jesse Administrators of the estate of *M. C. Parram*,
to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said
Court on the *3rd* Monday in *May*, 189*5*, to answer a bill in Chancery,
exhibited against *them* in our said court by *Wm. A. Parram*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the
16 day of *May*, 189*5*, and in the 11 *9* year of the
Commonwealth.

A. B. Munsey Clerk.

The accept. service of the within
when no administrators of the
estate of W.C. Parsons decd.
May 20, 1845. Russell & Jesse Adams

Copies for H. J. Russell &
J. C. Jesse

Wm A. Parsons

vs. { SUPENA
IN CHANCERY.

H. J. Russell et al

Pennington Brosp. q.

To 2nd May Rules,
Circuit Court.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee---Greeting:

WE COMMAND YOU, That you summon *F. E. Parsons. Ellen Jesse. J. L. Jesse*
Eva Russell. H. J. Russell, George W. Parsons.
Rebecca Parsons, & Wheeler P. Parsons.

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held for the said

Court on the *3rd* Monday in *May*, 189*5*, to answer a bill in Chancery,

exhibited against *them* in our said court by *Wm A Parsons*

And have then there this writ. Witness, A. B. MUNSEY, Clerk of our said Court, at the court-house, the

11th day of *May*, 189*5*, and in the 11*9th* year of the

Commonwealth.

A. B. Munsey Clerk.

Wm A. Parsons

vs. { SUPCENA
IN CHANCERY.

F. E. Parsons et al

Pennington Bros. p. q.

To 2nd May Rules,
Circuit Court.

Virginia, in County, to wit:

I, A. G. Hyatt, a notary public in and for the County
& State aforesaid, do hereby certify that Wm. M. Pennington per-
sonally appeared before me in my County aforesaid, and made
oath that he on the 15th day of May, 1895, delivered a copy of the
within process to F. E. Parsons, Rebecca Parsons Eva Russell,
W. J. Russell, and Ellen Jesse and Wheeler P. Parsons; and he fur-
ther made oath that F. E. Jesse was not found at his usual place of
abode, and that he on May 15th 1895 delivered to Ellen Jesse a copy of the
within process, and giving her information of its purport; and he further
made oath that the said George W. Parsons was not found at his usual
place of abode and that he delivered to W. J. Russell with whom said
George lived and a person over 16 years old, on May 16th 1895, a copy of
the within process explaining to him the information of its purport
which was made by hand this May 15th 1895. A. G. Hyatt Not Pub

Defts Costs
C 95-

Wm A. Parsons

vs. ^{mem} Sir Chouery

J. C. Jassen et al

1895 2nd May rules bill
filed Spa Executed
Decree Nisi

" 1st June rules taken the
last Monday in May
Decree Nisi Confirmed
& Cause set for hearing

" June Term 1895 Decree
final See Chey order
Book Page 204

Plffs Costs

C 7.52

Atty 15.00

C & C 2.53

\$22.77

G. A. P 5.00

Spring 8.00

\$32.77